I, my family, my friends, and my staff can all attest that this award is well deserved, and it is an honor to recognize the Hernandezes for their hard work and accomplishments.

CELEBRATING PENN STATE'S THON

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, tomorrow marks one of the finest traditions on Penn State's campus, a 46-hour dance marathon called THON. THON is the grand finale of a year-long fundraising campaign that Penn State students undertake for the kids. Beginning at 5 p.m. on Friday, more than 700 recognized dancers will put their stamina to the test and dance for 46 hours, without sleep, at the Bryce Jordan Center.

But it is much more than that. THON is the largest student-run philanthropy in the world, and it raises money to fight pediatric cancer. The proceeds raised go directly to Four Diamonds, which benefits the Penn State Children's Hospital in Hershey. Four Diamonds ensures that families who are battling pediatric cancer are not faced with any costs, allowing them to fully focus on the needs of their child. THON 2017 raised more than $10 million. Since its inception, THON has raised more than $146 million.

Mr. Speaker, I am always in awe of the power of our Penn State students and their care and concern for others. I wish everyone participating the best of luck.

We are.

ADA EDUCATION AND REFORM ACT OF 2017

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 620.

The SPEAKER pro tempore (Mr. NEWHOUSE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 736 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 620.

The Chair appoints the gentleman from Idaho (Mr. SIMPSON) to preside over the Committee of the Whole.

□ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 620) to amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

□ 0915

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Private enforcement of title III of the Americans with Disabilities Act is a critical tool for disabled individuals to gain access to places like restaurants and shopping centers. Most businessowners, however, feel blindsided when they are sued for violations they were unaware of.

This has been the case even for disabled businessowners who have testified before the House Judiciary Committee. Lee Ky testified in 2016. She runs one of her family's doughnut shops that was sued for technical violations of the ADA because a restroom sign was in the shape of a triangle instead of a square.

A person who has never walked in her life, Ky testified that she is proud of this Nation's effort to improve accessibility by enacting the ADA, but she thinks that businesses should be given an opportunity to remove barriers before getting sued.

Donna and David Batelaan have also testified. They were co-owners of a store that sold accessibility devices in Florida. Despite employing two people who used wheelchairs, despite themselves using wheelchairs, and despite the fact that virtually their entire clientele was composed of customers who had mobility limitations, they were sued because they had not painted lines and posted a sign for a ''handicapped'' spot required by the ADA.

Indeed, according to their testimony, it was later found that they had been just one of many businesses targeted by an unscrupulous, out-of-state attorney. According to Mrs. Batelaan, it did not matter that their parking lot and store were totally accessible. It was greed that was driving these suits.

These examples are among many shared by businesses across the country. The ADA's private right of action, which was originally intended to be the primary enforcement mechanism to achieve greater access, has instead encouraged a cottage industry of costly and wasteful litigation that neither benefits the business nor disabled individuals seeking more accessibility.

A report aired on ''60 Minutes'' on December 4, 2016, for example, featured several small-business owners who were subject to what are known as ''drive-by'' lawsuits. In such lawsuits, commonly filed by opportunistic trial lawyers, the plaintiff need only drive by the property, not actually visit it, to file a lawsuit alleging an ADA violation. In other cases, plaintiffs can even use Google Earth to target alleged violations and, in turn, file lawsuits before even notifying a small-business owner of the problem.

The fact that these types of small businesses are ill-equipped to defend an ADA lawsuit is the reason why they are sued. Indeed, opportunistic attorneys are more often willing to settle for just less than it would cost those mom-and-pop businesses to defend themselves in court. According to a 2017 op-ed published in The Hill, a conservative estimate of the average settlement amount is $7,500.

Given that plaintiff attorneys' motive is often to line their own pockets, there is little or no incentive to work with businesses to cure a violation before a lawsuit is filed. This results in wasted resources that could have been used to improve access.

H.R. 620 is a commonsense solution because it gives businesses a fair chance to cure title III violations before they are forced into a lawsuit, while still preserving the power of the threat of a lawsuit when businesses fail to make the required fixes in a timely manner.

H.R. 620 will create more access for more Americans more quickly because businesses would much rather fix an access problem quickly than face an unpredictable and expensive lawsuit that could hurt their ability to expand access in other ways.

Mr. Chairman, I urge my colleagues to support this commonsense reform, and I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, before we discuss the bill before us today, I want to address the horrible school shooting in Florida yesterday.

We mourn the deaths of those shot and killed, and we support those who were injured and the families of the victims. But we must also do more to prevent future shootings in our schools and on our streets.

There have been 18 school shootings in this country so far this year, and it is only February. According to a Washington Post analysis, over the last 19 years, more than 150,000 students attending at least 170 primary and secondary schools have experienced a shooting on campus. That does not include violence outside of the classroom.

We cannot allow this to continue. It is long past due for the House to consider legislation on this floor to help prevent gun violence. Our calls for hearings and for action on gun violence prevention legislation have been met

with silence. Congress did nothing after Columbine 20 years ago, and nothing after Sandy Hook 5 years ago. Inaction is unacceptable. Moments of silence are completely inadequate. Our citizens demand that we act without delay.

Mr. Chairman, H.R. 620, the so-called ADA Education and Reform Act of 2017, would undermine the civil rights of Americans with disabilities by significantly weakening the key enforcement tool of the ADA Act of 1990, which is the filing of private lawsuits by discrimination victims.

Congress passed the ADA 28 years ago with the goals of fully integrating persons with disabilities into the mainstream of American life and counteracting discriminatory social attitudes toward the disabled. By making it harder for persons facing such discrimination to vindicate their rights in court, this bill ultimately undermines those goals.

H.R. 620 would, among other things, institute a pre-suit notice and cure regime under the title III of the ADA, which prohibits discrimination on the basis of disability in public accommodations, like hotels, restaurants, private schools, and healthcare providers.

Specifically, the bill would prohibit a disability discrimination victim from filing a lawsuit to enforce his or her rights under title III unless the victim first notifies a business of a title III violation. The victim must then wait up to 180 days to allow the business either to comply with the law or simply to make some undefined level of substantial progress—whatever that means—toward complying with the law.

No Federal civil rights statute imposes such onerous requirements on discrimination victims before they can have the opportunity to enforce their rights in court. Both individually and cumulatively, this bill's notice and cure provisions will have the effect of inappropriately shifting the burden of compliance with the Federal civil rights statute from the alleged wrongdoer onto the discrimination victim and perversely incentivizing businesses not to comply voluntarily with the ADA.

Moreover, because H.R. 620 does not define the term ''substantial progress,'' the bill leaves it entirely to a businessowner's discretion as to whether he has made such progress.

At a minimum, this raises the prospect of expensive and protracted litigation over the question of whether the business has made sufficiently substantial progress should a lawsuit be filed. Such a prospect, along with the need to wait 180 days before filing a lawsuit, may be enough to deter discrimination victims with meritorious claims from even sending a notice of violation, much less filing suit to enforce their rights.

In addition, the bill's notice requirement is overly burdensome and excessive. Rather than simply requiring an aggrieved person to notify a business of the existence of an access barrier, H.R. 620 essentially requires the person to plead a legal case in his or her initial notice.

For instance, a victim must cite the specific provision of the ADA that has been violated, describe whether the victim made a request to the business about removing an access barrier, and explain whether an access barrier was temporary or permanent. Such specific information may be very difficult or impossible for a discrimination victim to provide at the notice stage, particularly without legal counsel.

Finally, H.R. 620 does not even address the purported problem identified by his proponents who claim that a pre-suit notification is needed to stop lawyers from filing numerous similar lawsuits alleging both Federal ADA claims and State law claims against numerous businesses in order to force quick settlements.

That is because many States allow for damages under their State disability rights laws. But this ignores the fact that title III of the Federal ADA only permits recovery of reasonable attorneys' fees and costs, no recovery of money damages. In other words, it is State law, not the Federal ADA, which provides the financial incentive for pursuing numerous lawsuits.

Additionally, the filing of multiple suits alleging violations of the ADA or State disability laws says nothing about the underlying merits of those suits or the intent of the parties involved.

To the extent that lawyers actually engage in misconduct, courts already have the tools to address such misconduct, including imposing sanctions, refusing to award attorneys' fees, or dismissing cases that have no legal or factual basis.

A pre-suit notification requirement, together with a lack of any requirement to actually comply with the law, is a virtual get-out-of-jail-free card for every public accommodation in America.

H.R. 620 substantially diminishes the primary incentive for voluntary compliance with title III, which is the credible risk of being sued and having to pay reasonable attorneys' fees and costs.

H.R. 620's notice and cure requirements, by starkly diminishing the risk of litigation, would send a clear and devastating message to every public accommodation in America that there is no need to comply voluntarily with the ADA. Instead, the bill tells businesses that they should simply wait and see if they ever receive a notice of a violation and to forget about the rights and needs of people with disabilities until then.

As the former Homeland Security Secretary Tom Ridge wrote recently in The Hill in opposing H.R. 620: ''. . . it is unacceptable to roll back the civil rights of people with disabilities. We should ensure access, not progress. We should expect businesses to know and comply with their obligations, not require our neighbors and colleagues with disabilities to shoulder the burden of informing and educating businesses about those obligations. We should not turn the business of everyday life into a complex and legal ordeal for people with disabilities.''

For the foregoing reasons, I oppose H.R. 620 and I urge the House to reject this deeply flawed bill.

Mr. Chair, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chair, I yield myself 30 seconds to respond to the gentleman from New York.

In point of fact, the United States Code contains several examples in which a potential plaintiff must provide notice before filing a lawsuit.

For example, title I of the ADA, in fact, requires a plaintiff to first file an administrative complaint with the EEOC. Unlike a complaint filed in Federal court, it is a method for parties to try to resolve the case before litigation through a conciliation process. As part of this process, the complainant is required to fill out a form that puts the recipient on notice of the alleged issues. Title VII of the Civil Rights Act has a similar process.

Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chair, the goal of the American with Disabilities Act is to provide access for the disabled. That goal must be pursued and protected.

It is important to distinguish, however, that the ADA is not intended to feed drive-by lawsuits and put good people out of business.

Unfortunately, my State of California has become ground zero for abusive ADA lawsuits. I have heard from many small businesses in my congressional district that have fallen victim to abusive ADA lawsuits that are not aimed at improving access to the disabled. In fact, California accounts for roughly 40 percent of ADA lawsuits nationwide, despite being home to just 12 percent of the country's disabled population.

Protecting small businesses from abusive lawsuits and ensuring disabled Americans have adequate access are not mutually exclusive goals. That is why I am an original cosponsor of H.R. 620 and believe its passage is critical to both the disabled and to our small businesses. By giving businessowners adequate time to make appropriate changes to provide access, we are returning to the original spirit and intent of the ADA.

I thank my friend from Texas, Representative POE, for his leadership on this issue, as well as the bipartisan group of cosponsors for their support. I urge all of my colleagues to vote for this bill and ensure that serial litigants are no longer rewarded for taking advantage of an important and meaningful law.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chair, I thank my good friend, the ranking member, Mr. NADLER, for yielding.

Mr. Chair, I rise in strong opposition to this bill.

Many of my colleagues may not remember when the Civil Rights Act became the law of the land in 1964, but I remember. I was there. As a matter of fact, I gave a little blood during the sit-ins, during the Freedom Rides.

□ 0930

I remember the struggle, the fight, and the sacrifice of so many to protect the dignity and the worth of every human being. I was here serving in this very Chamber when the Americans with Disabilities Act became the law of the land 26 years later. Yet today, it is unbelievable; it is unreal; we are considering a bill that turns the clock backwards and strikes a devastating blow in the fight for civil rights.

Mr. Chair, I want to make it crystal clear for the record: there is no place in our country for the burden to be placed on those whose rights have and will be violated time and time again.

Mr. Chair, this bill is wrong, it is mean-spirited, and it is a shame and a disgrace that we would bring it to the floor. I urge each and every one of my colleagues to oppose this bill.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. POE), a member of the Judiciary Committee and the chief sponsor of this legislation.

Mr. POE of Texas. Mr. Chair, I want to thank the chairman for his long work on this issue, and I want to thank a couple of the cosponsors—this is a bipartisan bill—Congressman PETERS, Congresswoman SPEIER, and Mr. KEN CALVERT, who have worked on this for years. I appreciate the words of the gentleman who just spoke, a great leader in civil rights movement, but as he probably knows, title VII of the Civil Rights Act does require notice, as well as this legislation hopefully will do.

And let me be clear. This legislation makes the ADA better because it requires that businesses be told and be given a chance to fix the problem if there is a problem.

Under current law, that is not the case. The goal of this bill, the ADA legislation that we have, is to have accommodations for the disabled and to make sure businesses comply with that accommodation.

When a lawsuit is filed, many times the business is never told what the problem is, and it may be a year or longer before that lawsuit ends up in a Federal court. Under this legislation, businesses, once they are put on notice, they have 180 days to fix the problem or make substantial progress.

If the goal of the ADA is to get problems fixed, the legislation we have here helps that. But what is taking place in our country, Mr. Chair, because of the legislation that we currently have under the law, some lawyers, as mentioned earlier, use the legislation and abuse the legislation under current ADA to the disadvantage of the disabled to make a profit for themselves.

And here is the way it works, Mr. Chair. A litigant, a plaintiff, will send a letter or sometimes file a lawsuit against a small business. We are not talking about the big businesses—we are talking about small mom-and-pop stores—and telling them they have an ADA violation. The letter—the lawsuit—may not even state what the violation is. And the letter says: ''You pay or we will continue the lawsuit.''

These businesses don't have the money to hire a lawyer to represent them, so what do they do? They pay the $3,000, $5,000, the extortion, so that those lawsuits are dismissed.

The problem that may be alleged in that lawsuit is never required to be fixed for two reasons: one, the lawsuit doesn't require it; and second, these lawsuits may not state what the problem is.

So, if the goal of the ADA is to make businesses comply, these serial plaintiffs that are filing multiple lawsuits still don't require that the businesses, even if they get the money, have to comply with the alleged violation. This is happening throughout the United States.

Let me mention just a few of these. In Florida, a plaintiff named Howard Cohan filed 529 of these lawsuits; California, a person named Vogel filed 124; Pennsylvania, a plaintiff named Mielo brought 21 lawsuits; and even in New York, a plaintiff named Hirsch brought 24 lawsuits.

What are they doing?

These plaintiffs may not even live in the State where the violation is supposed to occur. These plaintiffs may not even be disabled themselves, but they will file the lawsuit against these businesses, sometimes using Google Maps to find a violation in the parking lot, send a letter from a law firm saying, ''You comply with paying us, or this lawsuit''—or paying us this shakedown is what it amounts to—''or we will continue the lawsuit,'' and many businesses file or pay the extortion. It has become a profit industry.

It doesn't help the disabled. Contrary to what the other side has said, these lawsuits do not help the disabled. In fact, I think these lawsuits are being filed on behalf of serial plaintiffs who want nothing else except to receive extortion money.

Before my time is completed, I want to mention some of the Federal judges. One Federal judge from New York has taken notice of these cases.

The CHAIR. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Chairman, I yield an additional 1 minute to the gentleman.

Mr. POE of Texas. Mr. Chair, Federal judges have said that there are issues with these drive-by lawsuits.

Judge Brian Cogan of the Eastern District of New York, in 2016, in his decision, said that these cases, ''are brought against small bars and grills, restaurants, or bodegas or occasionally corner grocery stores (and sometimes their landlords), which are likely ill-equipped financially to vigorously defend these violations, and it is to intimidate businesses to settle before the trial takes place.''

I have parents that are in their 90s. I am concerned about access for all disabled people, and the thought that this bill makes it worse for the disabled is wrong. This bill makes businesses comply and puts them on notice. If they don't comply within the time period, then file the lawsuit, go after them, but businesses should be able to have the notice of what the problem is so that they can fix it, which is the goal of the ADA: to make businesses comply.

And that is just the way it is.

Mr. NADLER. Mr. Chair, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chair, I thank the gentleman for yielding.

H.R. 620, the so-called ADA Education and Reform Act of 2017, is an attack on the civil rights of Americans with disabilities. The Americans with Disabilities Act, or the ADA, is a civil rights law passed in 1990 to protect people with disabilities from discrimination in all aspects of society.

I recognize that the ADA falls within the committee jurisdiction of the Judiciary Committee, and I am here as the ranking member of the Committee on Education and the Workforce because, if H.R. 620 were to become law, it would have a profound effect on students and workers with disabilities who are trying to learn, work, or just generally access their community.

Mr. Chair, prior to the ADA, people with disabilities had no recourse if they faced discrimination in employment, housing, transportation, health services, or when accessing public schools. The ADA is nearly 28 years old, and yet we still have continued gross noncompliance with the law.

H.R. 620 specifically targets title III of the ADA regarding access to public accommodations. Title III prohibits discrimination in public accommodations such as restaurants, shopping malls, and hotels. By adding a notice and cure requirement, H.R. 620 shifts the compliance burden to the victims of discrimination.

H.R. 620 effectively provides that discrimination against people with disabilities can continue until somebody hires a lawyer to file a legal complaint of discrimination. Then the bill allows 6 more months to achieve some undefined substantial progress. So even when people know they are out of compliance with the ADA, they don't have to do anything under the bill until somebody files a formal legal complaint.

Mr. Chair, this bill does not help people with disabilities. This is an attack

on civil rights. That is why the disability community and civil rights communities are unanimously opposed to H.R. 620.

There are 236 organizations that joined a letter, led by the Consortium for Citizens with Disabilities, opposing the bill. More than 500 national and State organizations signed a letter, led by the National Council on Independent Living, urging Congress to reject the bill. More than 200 organizations signed a letter, led by The Leadership Conference on Civil and Human Rights, urging Congress to reject the bill.

The ADA was enacted to eliminate barriers of discrimination against people with disabilities. And so I strongly urge each of my colleagues to stand with people with disabilities: protect civil rights by voting ''no'' on this bill.

Mr. GOODLATTE. Mr. Chair, I yield 4 minutes to the gentleman from California (Mr. PETERS), the primary cosponsor of this legislation.

Mr. PETERS. Mr. Chairman, I want to thank the chairman for yielding.

One thing I want to agree with Mr. NADLER on is his comments about the tragedy yesterday in Florida. I completely endorse those comments with respect to that tragic event.

I do rise today in support of H.R. 620, the ADA Education and Reform Act. Today, as Members have heard, the ADA is being abused by a few bad actors who are serving their own personal interest, financial interest, not fighting for the disabled. They file lawsuits and immediately settle them for a few thousand dollars without actually requiring that anything be fixed. Nobody says this abuse is not happening. Nobody says this advances the cause of access.

A small restaurant owner in downtown San Diego tells a typical story. It was sued by an attorney who had filed 50 ADA suits against restaurants in San Diego County in 1 year. The barriers claimed in that suit didn't exist. The tables were at ADA compliant height, the bathroom was accessible, there was access between tables, but the property owner's attorney told him it could cost him upwards of $50,000 to prove it in court, so they settled with the plaintiff for $2,500.

The serial litigant got the quick payoff he wanted although there were no violations that had to be fixed, and if there were violations, it wouldn't have required that they be fixed. We hear stories all the time of lawsuits settled without any barriers being fixed.

Now, some State governments have acted to curb this abuse. And do you know who has led the fight against the abuse of disability laws? California Democrats.

In 2016, Governor Jerry Brown signed S. 269, authored by a Democratic State senator and passed by a majority Democratic legislature. It gives businesses 120 days to correct violations claimed by a plaintiff. It is a bipartisan solution that educates businessowners on compliance, redirects payouts to settle claims away from lawyers and toward actually improving access, and it protects against these cookie-cutter lawsuits filed by serial plaintiffs.

Now, let me address some of the issues that have been raised today. We are trying to provide the same kind of correction at the Federal level.

First, this bill doesn't turn anyone into a second-class citizen by requiring notice and an opportunity to cure. The concept of notice and cure is not new to private rights of action. In fact, it is very common.

Under the Clean Water Act in which I practice, if a complainant has to notify violators of a violation, the violator has 60 days to fix the problem before he can file a private right of action.

And in civil rights laws, too, as has been said, notice and opportunity to cure is common. Before you can file a lawsuit for a hostile workplace environment, for instance, you have to file a claim and give the employer the chance to fix it.

And the same is true, quite ironically, for disability. If you want to file a notice on reasonable accommodation, you have to give the opportunity to fix it. Today, we are asking that businessowners be given the same chance to fix problems that we currently give employers.

Second, the bill does not hold harmless public accommodations. Under H.R. 620, public accommodations are still responsible for ensuring access under threat of litigation. If a property owner fails timely and adequately to respond to a notice, she is subject to the same remedies that exist today.

Third, a notice and cure period does not shift the burden of compliance from businesses to victims. Today, if a public accommodation is out of compliance with the ADA, a plaintiff—a real plaintiff who had a problem with it—would have to file a lawsuit to force compliance. Under H.R. 620, a plaintiff would be able to file a notice that starts the timeline to fix the problems that exist. That doesn't shift the burden.

And finally, H.R. 620 does not weaken the rights of the disabled. On the contrary, it facilitates the removal of barriers to ensure better access for the disabled within a short period of time, discouraging the quick payoffs that do nothing for access.

□ 0945

No one solution proposed by Congress is ever perfect. I have worked with my colleagues on both sides of the aisle to find amendments and changes to the law to make the timeline for fixes tighter and to tighten the definitions of compliance. In fact, many of the defects that are noticed by Mr. NADLER, I believe, will be addressed by amendments today.

The CHAIR. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Chairman, I yield an additional 1 minute to the gentleman from California.

Mr. PETERS. Specifically, we will have a provision for plain language notice, which I think is an improvement: 120-day clarification instead of 180 days, and a better definition of what substantial progress means.

I think we can continue to improve the bill, and I hope to work with my colleagues and the Senate to do that. But in the face of undisputed abuse of one of our Nation's civil rights laws for personal gain, I am certain that doing nothing is the worst response.

Mr. Chairman, I urge support of this bill.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, because we are talking about need this morning, having seen Mr. DEUTCH in Florida, let me offer my deepest sympathy for the tragic loss of our children.

Mr. Chairman, I rise today to be able to speak for many of those who cannot be on the floor today, and that is the millions of disabled Americans; and to be able to say that with all of the consternation and the uncomfortableness of some of the very important people in America: small businesses, the engine of our economy.

I have to stand and speak for the value of civil rights and the civil rights of Americans with disabilities who waited for centuries to not be looked upon in distaste and disgust.

I remember preceding the passage of the American with Disabilities Act. George H.W. Bush is a Texan, and I see often his passion for passing that bill.

There are 57 million Americans with disabilities. That translates to 1 in 5 Americans. There are 31 million Americans with physical disabilities.

I heard some of their comments: ''As an older woman with disabilities, I feel invisible.'' Or ''I am not living; I am just existing.''

The ''notice and cure'' framework included in this bill would fundamentally change the structure of the ADA's public accommodations title and remove any reasons for business to comply proactively with the law.

The same as the Voting Rights Act of 1965 that we now suffer because we gutted section 4 and section 5, and we have voter suppression, and people are not having their civil rights in terms of voting.

You touch this in a way that you undermine the very existence of people living with disabilities. I am outraged, even though I am empathetic.

But if it is a problem of lawyers, State bars can regulate them and State courts can regulate them. You can punish or sanction lawyers who do not have the proper protocols.

Mr. Chairman, this is wrongheaded. I ask my colleagues to stand for civil rights for Americans with disabilities. This is not just an amendment. It is undermining the civil rights of those

who are living with disabilities. They have a right to live.

Mr. Chair, I rise in opposition to H.R. 620, the ''ADA Education and Reform Act,'' legislation that would infringe on important civil rights of Americans who live with physical disabilities.

I am deeply troubled that the House of Representatives is taking up H.R. 620, legislation that would remove any incentive businesses currently have to comply with this longstanding civil rights law and undermining protections that allow millions to live independently and in the dignified manner they deserve.

There are about 57 million Americans with disabilities; that number translates to 1 in 5 Americans.

There are 31 million Americans with physical disabilities who use a wheelchair, cane, crutches, or a walker.

And for that I commend former President George H. W. Bush, along with many members of Congress, for their leadership in passing the Americans with Disabilities Act of 1990, legislation that made our country's public spaces more accessible to those with disabilities.

H.R. 620 would require disabled persons to notify businesses of a violation of the ADA's public accommodation provisions contained in title III of the act, and wait up to 180 days to remedy that alleged violation before a lawsuit could be filed, presenting a direct undermining of the civil rights of Americans with disabilities.

The ''notice and cure'' framework included in this bill would fundamentally change the structure of the ADA's public accommodations title and remove any reasons for business to comply proactively with the law.

H.R. 620's notice and cure provisions will have the effect of inappropriately shifting the burden of enforcing compliance with a federal civil rights statute from the alleged wrongdoer onto the discrimination victim.

Moreover, it would undermine the carefully calibrated voluntary compliance regime that is one of the hallmarks of the ADA, a regime formed through negotiations between the disability rights community and the business community when the ADA was being drafted 28 years ago.

H.R. 620 would, instead, perversely incentivize a public accommodation to not comply with the ADA unless and until it receives a notice of a violation pursuant to H.R. 620's notice provision.

Finally, the bill does nothing to address the problem that its proponents seek to address, which is the purported concern with the filing of meritless lawsuits by certain plaintiffs' attorneys, a problem (to the extent that it is actually a problem) that is one of state law, not the federal ADA.

This is not the first time in this Congress, or even this year, that I witness the Republicans, allegedly a party for state's rights, completely undermine the established idea that tort law should be left for states to legislate without interference from federal mandates.

H.R. 620's proponents have never adequately articulated why federal law must be amended to address a problem driven by state law.

Also, the bill makes no attempt to distinguish between meritorious and non-meritorious lawsuits and would, instead, impose its harmful and unnecessary requirements on all ADA claims, regardless of potential merit.

I remain adamantly opposed to any effort to weaken the ability of individuals to enforce their rights under federal civil rights laws and I am concerned that H.R. 620 would undermine the key enforcement mechanism of the ADA and other civil rights laws, namely, the ability to file private lawsuits to enforce rights.

Joining me and my colleagues in opposition is a broad coalition of 236 disability rights groups, including:

American Foundation for the Blind,
the Bazelon Center for Mental Health,
the Christopher and Dana Reeve Foundation,
the National Council on Independent Living,
the National Disability Rights Network,
the Paralyzed Veterans of America,
Vietnam Veterans of America,
the AFL–CIO,
the Anti-Defamation League,
Human Rights Campaign,
the NAACP, and
the NAACP Legal Defense and Educational Fund.

Additionally, the Leadership Conference on Civil and Human Rights opposes the bill because it would ''remove incentives for businesses to comply with the law unless and until people with disabilities are denied access'' which ''would lead to the continued exclusion of people with disabilities from the mainstream of society and would turn back the clock on disability rights in America.''

Likewise, the American Civil Liberties Union opposes H.R. 620 because it would ''fundamentally alter [the] way in which a person with a disability enforces their civil rights and would severely limit access to places of public accommodations.''

For the foregoing reasons and those discussed below, we strongly oppose H.R. 620 and respectfully dissent from the Committee report.

While it is very important to protect small and growing businesses, we can do so without jeopardizing the rights of disabled individuals to have a day in court.

I do not believe that we have crossed the T's and dotted the I's with all the information that we should have in trying to improve our situation and address the concerns of many small businesses.

Small businesses are the heartbeat of America and the backbone of successful communities, which is why I have served as one of their strongest advocates during my tenure in Congress.

But the reality is that H.R. 620 does not help small businesses, it only hurts the disabled.

I do, however, hope that we can achieve this balanced goal through a different avenue.

So today I stand with Ranking Member NADLER, Congressman LANGEVIN and all those who stand for civil rights and for the rights of Americans with disabilities.

For these reasons I oppose H.R. 620.

Mr. GOODLATTE. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIR. The gentleman from Virginia has 13 minutes remaining. The gentleman from New York has 17½ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I yield myself 1½ minutes to respond to the gentlewoman from Texas.

Opponents of this bill claim it will delay access in some cases, even if just by a few months. But under current law, unscrupulous lawyers already delay filing ADA complaints for months after alleged violations are discovered, simply to boost their claim for attorneys' fees based on hours worked.

Here is an affidavit from a former ADA lawyer showing his firm fraudulently and routinely waited months to alert businessowners of potential violations and file lawsuits so they could falsely claim many hours of work preparing the case when no such work was required. Here is what the lawyer testified to:

> The alleged time entries at issue in this case include authorizing discovery 6 months in advance of the case being filed. I told Mr. Lopez, the real person in charge, this practice was useless. Mr. Lopez's response was that increasing legal fees was what I was supposed to do.

This means that, today, there are months of unnecessary delays before the businessowner is even notified of a violation so they can begin working on fixing the problem. That is an additional delay of months that this bill will eliminate.

The bottom line is that, in ADA cases, lawyers routinely delay filing lawsuits to boost their fees. This bill will stop that practice and let that time and money be used instead to increase access, not pad the pockets of unethical lawyers.

This bill will provide access months sooner than under current law. This is a pro-civil rights bill, and I urge my colleagues to support it.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, first of all, the American Bar Association supports this legislation.

Secondarily, the gentleman is talking about lawyers, not the disabled. Let the State bars and let the State courts regulate these lawyers. Sanction them, just like we have sanctions in the Federal court system.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time, they oppose our bill to increase sanctions on unethical lawyers.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Chairman, one of our great Republican Presidents, Abraham Lincoln, who served in this body, spoke of government of the people, by the people, and for the people.

We didn't start out that way, but through civil rights movements and civil rights statutes, we have opened America up. The Americans with Disabilities Act has been a crucial piece of legislation to opening America up—our restaurants, our hotels, all of our business establishments—to tens of millions of Americans who otherwise couldn't fully participate fully and on an equal basis.

This bill would require a totally novel requirement in the civil rights field, that in order to sue for violations of public accommodations law under the ADA, the person must first notify the business of their alleged violations and then wait 180 days to allow the business to remedy the violation, or make substantial progress towards compliance. No other Federal civil rights law operates this way. They just don't work like that. The ADA has been in process for 27 years, and there is no reason that any business today should be out of compliance with a very clear directive under the ADA.

The new notice and cure provisions will have the effect of shifting the burden of enforcement from the wrongdoer to the victim of discrimination. It would incentivize businesses not to comply with the ADA, unless it receives a notice of violation.

Now, our colleagues raised questions of overzealous, or vexatious, or abusive litigation by certain lawyers, and we know that there are cases of that. They are in the handful of States that have added damages under the ADA.

Understand that, under the ADA, federally, there are no damages. You can just get your costs and your legal fees. So some States have added damages.

Then there are some lawyers who are out making trouble. We agree with that. Use the State bars to sanction them. If there is sanctionable behavior, disbar them. Deal with that problem. But don't cut the heart out of the Americans with Disabilities Act, which has been central to the ability of our people and all of our families to participate on an equal basis in our economy and in our society.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Chairman, I thank the chairman of the committee for yielding.

Mr. Chairman, the gentleman from Maryland just said that, after decades, the ADA was well understood and the law was easy to comply with. In many cases, that may be true, but technology has been advancing so quickly that there are areas where the ADA is not clear today, and we are in need of guidance.

Mr. Chairman, in the great State of Georgia, scores of businesses have received demand letters for their websites, that their websites should be considered public accommodations; and demand letters to say those websites do not comply with the ADA, when these businesses do not know how to make their websites comply with the ADA.

Fifty credit unions alone, Mr. Chairman—folks who are in the business of serving our communities—have received these demand letters, unable to respond.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Texas (Mr. POE), if he would be willing, and ask if he is aware of the issues created by this emergence of technology and the predatory litigation that credit unions, community banks, and other small mom-and-pop businesses are facing.

Mr. POE of Texas. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from Texas.

Mr. POE of Texas. Yes, the gentleman from Georgia is absolutely correct, I am aware of this matter.

Also, I am aware that the gentleman joined Chairman GOODLATTE and about 60 Members of this Chamber last year to urge the Justice Department to finalize a regulation in this area with the intent of providing certainty. Even still, it is not clear that there is a statutory obligation under the ADA for the Department of Justice to act, which is why H.R. 620 doesn't address that issue specifically.

Mr. WOODALL. Mr. Chairman, I thank the gentleman for his guidance.

Of course, there was no opportunity for the ADA to anticipate the internet, to anticipate websites. So it is unclear whether or not Congress intended for websites to fall inside the public accommodations statute.

Because of this ambiguity, though, all of the small businesses—everyone with a website presence, Mr. Chairman—are unclear about whether or not they are violating the law. They don't even have a framework of guidance so that they could comply with the laws that I know each and every one of these credit unions, community banks, and small businesses wants to do.

Mr. Chairman, I would ask the gentleman from Texas (Mr. POE) if he would be willing to commit to working with me to encourage the Justice Department to move forward with some guidance in this area so that we could provide certainty not just to credit unions and not just to community banks, but to all of these small businesses looking to do their very best to comply with the ADA?

Mr. POE of Texas. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from Texas.

Mr. POE of Texas. Mr. Chairman, as the gentleman is aware, this legislation makes it better for the disabled to have access under the notice and cure requirement.

The CHAIR. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Georgia.

Mr. WOODALL. Mr. Chairman, I yield to the gentleman from Texas.

Mr. POE of Texas. The Judiciary Committee will continue to work with the Department of Justice and stakeholders on this. In fact, for jurisdictions where courts have held the ADA does apply to websites, we believe protections in H.R. 620 will be applicable as well.

Mr. WOODALL. Mr. Chairman, these are small businesses that want to do their very best to comply with the ADA. With guidance, they will be successful in that effort.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Delaware (Ms. BLUNT ROCHESTER).

Ms. BLUNT ROCHESTER. Mr. Chairman, I thank my friend, Mr. NADLER, for yielding and for his leadership on this issue.

Mr. Chairman, as a former Delaware Secretary of Labor, I rise today to strongly oppose H.R. 620, the ADA Education and Reform Act of 2017. This bill on the floor today would roll back the clock on civil rights for people with disabilities.

Twenty-seven years ago, Congress passed the transformative Americans with Disabilities Act, which prohibited discrimination against people with disabilities and mandated that they have an equal opportunity to participate in society. Before the ADA, a person with a disability could be barred from a meaningful career, education, and, really, to live a fulfilling life.

Mr. Chairman, some claim that the ADA exposes businesses to exorbitant costs or damage awards, but this is not the norm. It is one of the myths that has perpetuated. According to the Department of Labor, 57 percent of accommodations cost nothing at all, while the rest typically cost only $500.

So once you peel back the myths surrounding the ADA, we are left with one simple question: Why not comply?

The monetary cost is typically minimal in comparison to the value of providing qualified Americans with a job or a shot at the American Dream; or giving an individual with a disability the means to go to the grocery store, pick up their children from childcare, or travel, or work.

That is why these standards are so essential. They ensure real, fair, and equal access for everyone.

People with disabilities simply want to live an independent life, free from discrimination. This bill rolls back that progress.

I will be voting against this bill, and I urge my colleagues to do the same.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to H.R. 620, which would violate the 28-year-old Americans with Disabilities Act by allowing public places to bar access to people with disabilities. H.R. 620 would actually allow barriers for the disabled to stay in place as long as ''substantial progress'' is made to remove them, whatever that means.

The ADA was a compromise, giving the disability community access and helping businesses to comply by giving them tax credits and training. H.R. 620 undoes that compromise, making it virtually impossible to enforce the

ADA's goal of fairness and inclusion; and that is why the AARP, the Paralyzed Veterans of America, the National Council on Independent Living, and the Consortium for Citizens with Disabilities oppose this bill.

It is why the National Organization of Nurses with Disabilities ''believes that H.R. 620 represents a downward spiral of the Americans With Disabilities Act and will impact people with disabilities' freedom of access . . . across the United States.''

And it is why 55 Illinois—where I am from—disability groups, led by Access Living, whose president, Marca Bristo, my personal hero, helped enact the Americans with Disabilities Act, she says and they say: ''H.R. 620 . . . would fundamentally harm our Nation's progress toward an accessible and integrated society. The bill telegraphs to individuals with disabilities that . . . their inclusion is not important.''

Let's show people with disabilities that they do matter, that they shouldn't be locked out of restaurants or sporting events or job opportunities, that they should not be treated as second-class citizens in the American civil justice system. Show your commitment to the ADA and to civil rights, and vote ''no.''

Mr. GOODLATTE. Mr. Chairman, I include in the RECORD the affidavit that I cited in my earlier remarks.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

Case No. 1:17–cv–24116–KMM

Enrique Madrinan, Plaintiff, v. Harbour Shopping Center, Inc. and Luza Corp. d/b/a Donut Gallery Diner, Defendants.

DEFENDANT LUZA CORP.'S NOTICE OF FILING AFFIDAVIT IN RELATION TO DOCKET ENTRY THIRTY-THREE, PLAINTIFF'S REPLY TO DEFENDANTS RESPONSE TO PLAINTIFF'S MOTION TO DISQUALIFY COUNSEL AND LAW FIRM REPRESENTING DEFENDANT LUZA CORP., D/B/A DONUT GALLERY DINER

7. Notably, the alleged time entries at issue in this case, include authoring discovery six months in advance of the case being filed. Because most cases settled upon filing, and Federal Disability Advocates wanted to bill hours before they settled, they had their off-site team who handled the pre-filing, filing, and service, serve discovery with the Complaint. I repetitively told Mr. Lopez, the real person in charge of Federal Disability Advocates, this practice was useless because a party cannot propound discovery until after the scheduling conference. I even argued that it was counter-productive because it led to a debate over when, and if, discovery was served, which unnecessarily increased legal fees. Mr. Lopez's response was that increasing legal fees was what I was supposed to do, and that serving discovery with the complaint was part of how to get to ten hours pre-filing.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip and one of the original authors of the ADA in 1990.

Mr. HOYER. Mr. Chairman, I rise in strong opposition to this legislation.

In 1990, President George H.W. Bush declared a long overdue ''independence day'' for people with disabilities as he signed the historic Americans with Disabilities Act into law. As the House sponsor of the ADA, I shared the President's optimism and hope that every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom.

I was proud to work across the aisle on the ADA and on the ADA Amendments Act of 2008, the only time the ADA has ever been amended. We brought together outside groups from a broad range of affiliations to create a framework for policy that would vastly improve accessibility and be agreeable to all.

Unfortunately, people with disabilities still face stubborn barriers to full inclusion. In the last year, people with differing abilities have had to fight for access to healthcare and the services they need to live independently and with dignity.

Now we have on the floor a bill that would undermine the central tenet of the ADA: the right of victims of discrimination to seek redress for exclusion. Requiring victims of discrimination to provide notice of a violation before bringing a lawsuit is an improper shift of the burden of compliance onto victims, one not required of any other group by any other civil rights law. Not a single civil rights law gives this kind of provision.

As the Paralyzed Veterans of America wrote in its letter of opposition: ''Veterans with disabilities who honorably served their country should not bear the burden of ensuring that businesses in their communities are meeting their ADA obligations. Instead, it is the responsibility of businessowners and their associations to educate themselves about the law's requirements.''

Now, this law was passed some 27 years ago. There is no excuse for not knowing the obligations. Our laws do not require such notice for women, African Americans, Latinos, religious minorities, or any other groups protected against discrimination.

I acknowledge that there are issues in States that have added compensatory damages to their State laws. There are no damages in this national ADA law, which was a compromise. A problem with State law, however, should be fixed at the State level and not with a retreat in the Federal law. Lawyers who file vexatious suits may well be in violation of their ethical obligations.

Sadly, we are seeing that almost 28 years after its passage and decades of notice as to what is required, tax credits so that you can make changes necessary to make your place accessible, there are still those who have barriers to full accommodation for Americans with differing abilities, contrary to law. In fact, when we adopted the law, we didn't have it go into effect for 24 months—2 years—so that people could educate themselves on their responsibilities.

People with differing abilities still have to fight day in and day out for the access and inclusion to which they should already be entitled under the law as businesses continue to dismiss their obligations.

We have a colleague, Senator TAMMY DUCKWORTH. She was a helicopter pilot. Her legs were shot off. She now serves in the United States Senate. She is a disabled veteran and an American hero. She wrote the following in The Washington Post about this bill: ''This offensive legislation would segregate the disability community, making it the only protected class under civil rights law that must rely on 'education'—rather than strong enforcement—to guarantee access to public spaces.''

I will be voting ''no'' on this legislation in the name of upholding the bedrock principles of civil rights law in this country and the integrity of the ADA that many of us worked together to enact on a bipartisan basis, an overwhelmingly bipartisan basis, 400 votes-plus, for this legislation. Let us not retreat this day. Let us not say to those with disabilities: You have got to wait 180 days.

What if we said: If you are an African American and you try to go into a place of public accommodations and they wouldn't admit you, and you said, ''Well, I have got a complaint,'' and you had to wait 180 days to have that right redressed, that is not right.

Let us not treat those with disabilities as second-rate citizens. Defeat this bill.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from Maryland.

The technical requirements of title III are constantly changing. We have seen numerous revisions to both regulations and guidance, not to mention the resulting case law that affects its interpretation; therefore, the regulatory requirements of the ADA in 1991 are not the same as those today.

There is no better example of these changes than the rise of the internet, which came into its current existence after the ADA was enacted. As people no longer need a physical storefront to have a business, the courts have struggled to apply the ADA's public accommodation requirements.

There is, for example, a current circuit split as to whether companies operating exclusively online are subject to these requirements. And with continued advancements in technology, we will continue to see changes to the regulatory requirements.

It is perfectly reasonable for small-business owners, many of whom are disabled themselves or of minorities, to have the opportunity to fix a problem before a predatory lawyer simply brings an action for the purpose of recovering—not fixing the problem, but getting money that could have been better spent by that small business fixing the problem.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, 28 years after the ADA's passage, too many businesses remain inaccessible to persons with disabilities. The last thing Congress should be doing is undermining the civil rights of a discrete and insular minority group by making it virtually impossible to enforce their rights in court.

That is why more than 230 disability rights groups, civil rights groups, labor unions, and veterans organizations strongly oppose H.R. 620, including the Leadership Conference on Civil and Human Rights, the AARP, the NAACP, Human Rights Campaign, the AFL–CIO, AFSCME, the Bazelon Center for Mental Health Law, the Paralyzed Veterans of America, the United Spinal Association, the National Federation of the Blind, and the National Disability Rights Network. I urge the House to abide by these groups' concerns with H.R. 620 and reject this deeply problematic legislation.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I have no speakers remaining other than myself and I am prepared to close. I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield the balance of my time to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I rise in strong opposition to H.R. 620, the ADA Education and Reform Act. This misguided piece of legislation is being sold to my colleagues and the American public as a measure that will help people with disabilities, help businesses come into compliance with the Americans with Disabilities Act, and help reduce drive-by lawsuits in States that have gone beyond the ADA to allow for monetary awards. In actuality, H.R. 620 doesn't accomplish any of these objectives.

What is worse, if passed, this ill-considered bill will not only decimate the protections that people with disabilities rely on, it will turn back the clock to a more segregated society, and it will unravel the core promise of the ADA that a disability, visible or otherwise, can never be grounds to justify or tolerate discrimination.

Mr. Chairman, I am angry. I am frustrated. I am insulted. But more than anything, I am disappointed. Further, neither Mr. PETERS nor Mr. POE ever even approached me to sit down and have a discussion about this bill, to try to find some common ground to try to actually fix the problem if it is about drive-by lawsuits.

Has the Congress really become so divorced from the human experience of the disability community that we are willing to sacrifice their rights because it is easier than targeting the root of the problem? Are people with disabilities, people like me, so easily disregarded?

I am here to say enough is enough.

Mr. Chairman, whether someone is born with a disability, develops a disability, or becomes disabled due to an accident or from having served in our Armed Forces, the fundamental truth is that it happened by chance, certainly not by choice.

As the first quadriplegic elected to the United States Congress, I overcame many obstacles to sit beside you as a Member of this Chamber, but I would never have had the opportunities that I cherish today without the tireless efforts of those who came before me to fight for the rights of people with disabilities.

Mr. Chairman, I was injured in 1980, at just 16 years of age, a full 10 years before the passage of the ADA, and I certainly remember what life was like before the ADA became law. I remember that I couldn't go inside a public building that didn't have a ramp, couldn't travel without accessible transportation, and was excluded from gatherings in restaurants and libraries, movie theaters and sports venues that couldn't accommodate a wheelchair.

I struggled to wash my hands at a sink, access a restroom, and enter a classroom. I even declined matriculation at my first-choice college because the challenge of getting around the campus would have been too difficult, if not impossible.

Mr. Chairman, the ADA brought more than just the recognition that disability rights are civil rights. It brought hope and opportunity to millions of people, and it brought dignity.

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Mr. Chairman, after all, having a disability should not limit opportunity, and it is with opportunity that people with disabilities can lead more active, productive, and independent lives.

The ADA was passed nearly 28 years ago, and instead of holding people accountable to correctly implement the law, especially when free resources and technical information are readily available, H.R. 620 weakens Federal protections under the ADA, protections that prohibit discrimination on the basis of a disability.

The ADA does not allow people to sue for compensatory or punitive damages, only injunctive relief. Yet some States have gone beyond the Federal law to permit monetary awards.

H.R. 620 seeks to address the issue by including a notice and cure period.

Well, the idea that places of public accommodation should receive a free pass for 6 months before correctly implementing a law that has been a part of our legal framework for nearly three decades creates an obvious disincentive for ADA compliance.

People with disabilities, Mr. Chairman, still face immeasurable obstacles, despite the progress of our great Nation since the passage of the ADA.

This past year, the disability community has had to fight to preserve access to healthcare, the long-term services and supports that are a lifeline for so many under Medicaid, and the ability to maintain certain protections and credits under the Tax Code.

Mr. Chairman, they are tired, and I am tired, of defending against efforts to weaken our rights. I urge my colleagues to see past the smoke and mirrors and irresponsible claims that H.R. 620 is anything but an appalling effort to strip away the civil rights of a protected class of Americans.

Mr. Chairman, every vote in support of H.R. 620 will be a message to people with disabilities that we are not worthy of inclusion, acceptance, or deserve the same civil rights protections as others.

Mr. Chairman, as Members of Congress, Americans with disabilities look upon us to defend their rights. Let us not vote to eliminate them. Let us make them proud and reject H.R. 620.

Mr. NADLER. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, may I inquire how much time I have remaining.

The CHAIR. The gentleman from Virginia has 6 minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the House Judiciary Committee, over decades, has heard testimony from many disabled owners of businesses, several of whom have testified before the committee who themselves have been extorted by trial lawyers to pay thousands of dollars to lawyers. That money could have been spent on making small adjustments to the premises to easily overlooked technical violations.

Let me give you an example. Take the testimony of Donna Batelaan, who owned a store for the disabled, and herself used a wheelchair. It was a store devoted entirely to selling accessibility devices and similar items.

She was made to pay $2,000 in attorneys' fees for a simple fix that cost $100. Clearly, Mrs. Batelaan was deeply interested in accommodating the disabled, yet she, too, was caught up in a legal shakedown.

She said the following before the House Judiciary Committee: ''We have co-owned a mobility equipment business in south Florida for the last 20 years. Our parking lot and our building are totally wheelchair accessible. We employ two people who use wheelchairs, and we ourselves use wheelchairs, and all of our customers have mobility limitation. We had not painted the lines and posted a sign on''—just one of the—''handicapped spot that is required by ADA. An attorney from New Jersey, without notice, filed a suit against us. It cost us less than $100 to correct the infractions and $2,000 for attorneys' fees.''

''The original intent of ADA was to provide access and opportunity to American life for all people with disabilities, not to give the legal profession an opportunity to make more money.''

As Abraham Lincoln's name was mentioned previously, I want to quote him on the subject of unnecessary and wasteful litigation. In his notes on a

law lecture he delivered, here is what Abraham Lincoln had to say: ''Discourage litigation. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough.''

And finally, to that same point, I have to say it is simply ethical practice for lawyers to give a business a heads-up of a potential violation before a lawsuit is filed.

There are many other examples in Federal law where that notice to the defendant to cure, including in civil rights actions, is afforded. It should be afforded here as well.

Indeed, the vast majority of lawyers do what this bill requires as a matter of simple ethical lawyering. But many lawyers don't act professionally, and they abuse the law to shake down businesses, taking money away from compliance and putting it into their own pockets.

All this bill does is require those unscrupulous trial lawyers to do what ethical lawyers already do: give fair notice of a violation before thousands of dollars in attorneys' fees are racked up against a small business, diverting money away from accessibility where it belongs.

Mr. Chairman, this is the right correction addressing this problem. It will enhance accessibility, it will encourage more work to be done, and it will not deprive anybody the opportunity to notify people that they have a problem with accessibility at their business. If they don't fix it, they will then be the subject of that very lawsuit.

But the opportunity to fix it in a prompt fashion is, I think, critically important to making accessibility more available and helping small businesses in America to succeed, thrive, and create even more jobs for people with those disabilities.

Mr. Chairman, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

Mr. HUNTER. Mr. Chair, I rise today in support of H.R. 620, the ADA Education and Reform Act of 2017. This is overdue legislation that will increase protections for individuals with disabilities while providing business and property owners the opportunity to remedy ADA infractions before unnecessary lawsuits and the costs that accompany litigation. Under the current ADA law, lawyers may collect fees when suing businesses or property owners, but plaintiffs cannot collect damages. The current system has created ''drive-by'' demand letters sent by lawyers, like a bulk mailer, to every location on Main St. or at a small mall. In some cases it was not clear that the plaintiff had even attempted to access the property or had even gone inside. The emphasis was on filing the lawsuit and collecting fees without regard for increasing accessibility for the disabled. Sometimes the infractions are easily corrected: signage, soap dispenser heights.

In my district in east San Diego County we have quaint, older towns that are notable for their historical structures dating back to the 1800s. These communities are proud of their heritage and these buildings are a source of local pride and tourism. In Julian, an old gold mining and apple growing town, the Julian Town Hall was threatened by a lawsuit. A public relations stunt was held there where someone crawled up the steps of the town hall, cameras rolling, despite the fact that a handicap accessible ramp was located on the side of the building. In Ramona, a predatory lawyer targeted every business on Main St. with various and frivolous claims. It is for these and other reasons I introduced similar legislation, H.R. 777, the ADA Notification Act of 2013.

With the ''notice and cure'' provision in H.R. 620, drive-by lawsuits will be eliminated, business will have an opportunity to remedy any deficiency, and there will be increased compliance and correction because property and business owners cannot defer the corrections.

Ms. JACKSON LEE. Mr. Chair, I rise in opposition to the rule which makes in order H.R. 620, the ''ADA Education and Reform Act,'' legislation that would infringe on important civil rights of Americans who live with physical disabilities.

I am deeply troubled that the House of Representatives is taking up H.R. 620, legislation that would remove any incentive businesses currently have to comply with this longstanding civil rights law and undermining protections that allow millions to live independently and in the dignified manner they deserve.

There are about 57 million Americans with disabilities; that number translates to 1 in 5 Americans.

There are 31 million Americans with physical disabilities who use a wheelchair, cane, crutches, or a walker.

And for that I commend former President George H.W. Bush, along with many members of Congress, for their leadership in passing the Americans with Disabilities Act of 1990, legislation that made our country's public spaces more accessible to those with disabilities.

H.R. 620 would require disabled persons to notify businesses of a violation of the ADA's public accommodation provisions contained in title III of the act, and wait up to 180 days to remedy that alleged violation before a lawsuit could be filed, presenting a direct undermining of the civil rights of Americans with disabilities.

The ''notice and cure'' framework included in this bill would fundamentally change the structure of the ADA's public accommodations title and remove any reasons for business to comply proactively with the law.

H.R. 620's notice and cure provisions will have the effect of inappropriately shifting the burden of enforcing compliance with a federal civil rights statute from the alleged wrongdoer onto the discrimination victim.

Moreover, it would undermine the carefully calibrated voluntary compliance regime that is one of the hallmarks of the ADA, a regime formed through negotiations between the disability rights community and the business community when the. ADA was being drafted 28 years ago.

H.R. 620 would, instead, perversely incentivize a public accommodation to not comply with the ADA unless and until it receives a notice of a violation pursuant to H.R. 620's notice provision.

Finally, the bill does nothing to address the problem that its proponents seek to address, which is the purported concern with the filing of meritless lawsuits by certain plaintiffs' attorneys, a problem (to the extent that it is actually a problem) that is one of state law, not the federal ADA.

This is not the first time in this Congress, or even this year, that I witness the Republicans, allegedly a party for state's rights, completely undermine the established idea that tort law should be left for states to legislate without interference from federal mandates.

H.R. 620's proponents have never adequately articulated why federal law must be amended to address a problem driven by state law.

Also, the bill makes no attempt to distinguish between meritorious and non-meritorious lawsuits and would, instead, impose its harmful and unnecessary requirements on all ADA claims, regardless of potential merit.

I remain adamantly opposed to any effort to weaken the ability of individuals to enforce their rights under federal civil rights laws and I am concerned that H.R. 620 would undermine the key enforcement mechanism of the ADA and other civil rights laws, namely, the ability to file private lawsuits to enforce rights.

Joining me and my colleagues in opposition is a broad coalition of 236 disability rights groups, including:

American Foundation for the Blind, the Bazelon Center for Mental Health, the Christopher and Dana Reeve Foundation, the National Council on Independent Living, the National Disability Rights Network, the Paralyzed Veterans of America, Vietnam Veterans of America, the AFL-CIO, the Anti-Defamation League, Human Rights Campaign, the NAACP, and the NAACP Legal Defense and Educational Fund.

Additionally, the Leadership Conference on Civil and Human Rights opposes the bill because it would ''remove incentives for businesses to comply with the law unless and until people with disabilities are denied access'' which ''would lead to the continued exclusion of people with disabilities from the mainstream of society and would turn back the clock on disability rights in America.''

Likewise, the American Civil Liberties Union opposes H.R. 620 because it would ''fundamentally alter [the] way in which a person with a disability enforces their civil rights and would severely limit access to places of public accommodations.''

For the foregoing reasons and those discussed below, we strongly oppose H.R. 620 and respectfully dissent from the Committee report.

While it is very important to protect small and growing businesses, we can do so without jeopardizing the rights of disabled individuals to have a day in court.

I do not believe that we have crossed the T's and dotted the I's with all the information that we should have in trying to improve our situation and address the concerns of many small businesses.

Small businesses are the heartbeat of America and the backbone of successful communities, which is why I have served as one of their strongest advocates during my tenure in Congress.

But the reality is that H.R. 620 does not help small businesses, it only hurts the disabled.

I do, however, hope that we can achieve this balanced goal through a different avenue.

So today I stand with Ranking Member NADLER, Congressman LANGEVIN and all those who stand for civil rights and for the rights of Americans with disabilities.

For these reasons I oppose the rule governing H.R. 620.

Mr. BLUMENAUER. Mr. Chair, when the Americans with Disabilities Act was first signed into law, President George H.W. Bush praised this bill for its assurance ''that people with disabilities [were] given the basic guarantees for which they have worked so long and so hard: independence, freedom of choice, control of their lives, and the opportunity to blend fully and equally into the rich mosaic of the American mainstream.'' His words were true when the ADA passed, and they are true today.

H.R. 620 would reverse decades of progress. It would pave the way for businesses to delay or completely avoid complying with the ADA, and shift the onus on people with disabilities to report noncompliance. If this bill were signed into law, it would effectively hold harmless places of public accommodation for willfully failing to comply with the ADA.

This legislation purports to curb ''drive-by'' lawsuits, which can be a legitimate problem, but these suits have arisen predominantly in states that provide for recovery of money damages in their state laws. The federal ADA does not provide for damages, only injunctive relief and attorney's fees.

This would be a step backwards. We have a responsibility to protect these safeguards and ensure that people with disabilities are provided accessible accommodations.

Mr. GOODLATTE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. SIMPSON, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 620) to amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 10 o'clock and 22 minutes a.m.), the House stood in recess.

□ 1027

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 10 o'clock and 27 minutes a.m.

ADA EDUCATION AND REFORM ACT OF 2017

The SPEAKER pro tempore. Pursuant to House Resolution 736 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 620.

Will the gentleman from Idaho (Mr. SIMPSON) kindly resume the chair.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 620) to amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes, with Mr. SIMPSON in the chair.

The CHAIR. When the Committee of the Whole rose earlier today, all time for general debate pursuant to House Resolution 736 had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and shall be considered as read.

The text of the bill is as follows:

H.R. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ADA Education and Reform Act of 2017''.

SEC. 2. COMPLIANCE THROUGH EDUCATION.

Based on existing funding, the Disability Rights Section of the Department of Justice shall, in consultation with property owners and representatives of the disability rights community, develop a program to educate State and local governments and property owners on effective and efficient strategies for promoting access to public accommodations for persons with a disability (as defined in section 3 of the Americans with Disabilities Act (42 U.S.C. 12102)). Such program may include training for professionals such as Certified Access Specialists to provide a guidance of remediation for potential violations of the Americans with Disabilities Act.

SEC. 3. NOTICE AND CURE PERIOD.

Paragraph (1) of section 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12188(a)(1)) is amended to read as follows:

''(1) AVAILABILITY OF REMEDIES AND PROCEDURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the remedies and procedures set forth in section 204(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a–3(a)) are the remedies and procedures this title provides to any person who is being subjected to discrimination on the basis of disability in violation of this title or who has reasonable grounds for believing that such person is about to be subjected to discrimination in violation of section 303. Nothing in this section shall require a person with a disability to engage in a futile gesture if such person has actual notice that a person or organization covered by this title does not intend to comply with its provisions.

''(B) BARRIERS TO ACCESS TO EXISTING PUBLIC ACCOMMODATIONS.—A civil action under section 302 or 303 based on the failure to remove an architectural barrier to access into an existing public accommodation may not be commenced by a person aggrieved by such failure unless—

''(i) that person has provided to the owner or operator of the accommodation a written notice specific enough to allow such owner or operator to identify the barrier; and

''(ii)(I) during the period beginning on the date the notice is received and ending 60 days after that date, the owner or operator fails to provide to that person a written description outlining improvements that will be made to remove the barrier; or

''(II) if the owner or operator provides the written description under subclause (I), the owner or operator fails to remove the barrier or to make substantial progress in removing the barrier during the period beginning on the date the description is provided and ending 120 days after that date.

''(C) SPECIFICATION OF DETAILS OF ALLEGED VIOLATION.—The written notice required under subparagraph (B) must also specify in detail the circumstances under which an individual was actually denied access to a public accommodation, including the address of property, the specific sections of the Americans with Disabilities Act alleged to have been violated, whether a request for assistance in removing an architectural barrier to access was made, and whether the barrier to access was a permanent or temporary barrier.''.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect 30 days after the date of the enactment of this Act.

SEC. 5. MEDIATION FOR ADA ACTIONS RELATED TO ARCHITECTURAL BARRIERS.

The Judicial Conference of the United States shall, under rule 16 of the Federal Rules of Civil Procedure or any other applicable law, in consultation with property owners and representatives of the disability rights community, develop a model program to promote the use of alternative dispute resolution mechanisms, including a stay of discovery during mediation, to resolve claims of architectural barriers to access for public accommodations. To the extent practical, the Federal Judicial Center should provide a public comment period on any such proposal. The goal of the model program shall be to promote access quickly and efficiently without the need for costly litigation. The model program should include an expedited method for determining the relevant facts related to such barriers to access and steps taken before the commencement of litigation to resolve any issues related to access.

The CHAIR. No amendment to the bill shall be in order except those printed in part A of House Report 115–559. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1030

AMENDMENT NO. 1 OFFERED BY MR. DENHAM

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115–559.

Mr. DENHAM. Mr. Chair, I rise to offer my amendment to H.R. 620.

The CHAIR. The Clerk will designate the amendment.